

Serial No. 09/966,650
Amendment and Response to Office Action
Mailed: 2 November 2005

REMARKS

The Examiner has restricted claims 1 – 7, 31 – 40, and 41 – 52 to Invention I as being “*drawn to re-broadcasting of the missing packets, classified in class 709, subclass 204.*” The Examiner restricted claims 8 – 19, 20 – 30, and 53 – 55 to Invention II as being “*drawn to broadcast a new EEPROM image to each of plurality of computer systems, classified in class 709, subclass 221.*”

The Examiner states in the Office Action that “*Invention of Group I has separate utility such as Group I contains re-broadcast the missing packets; repeating steps b and c above until all receivers report no missing packets, Group II lacks these features that have separate utility that packets are not missing from the message.*” The Applicant would like to call the Examiners attention to claim 28 of Group II which also includes the re-broadcasting of missing packets. This is expressed as “*sending the single image in a plurality of broadcast packets; querying each of the plurality of EEPROMs for a list of missing packets from the single image; and broadcasting the missing packets from the single image.*”

The Examiner stated that Group I claims “*are drawn to re-broadcasting the missing packets, classified in class 709, subclass 204.*” The Applicant notes that subclass 204 includes subject matter “*comprising means or steps for enabling collaborative processing of data by the computers or digital data processing systems.*” One does not normally consider the transfer of information between two computer systems as “*collaborative processing of data.*” Further, the definition of class 709, subclass 204 does not address compression of data or the methods of recovering from failed communication.

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The Examiner stated that Group II claims "*are drawn to broadcast a new EEPROM image to each of plurality of computer systems, classified in class 709, subclass 221.*" The Applicant notes that subclass 221 involves "*transfers data [...] to or from another computer which changes the functional configuration of one of the computers within the network after it has been established.*" The flashing of an EEPROM image does not necessarily involve the re-configuration of the system, much-less its "*functional configuration [...] within the network,*" unless one considers that the EEPROM often contains default configuration information which could possibly be used to overwrite the current configuration. But configuration information is usually stored separate from the EEPROM image and would not be overwritten or even modified by flashing procedures. Further, subclass 221 does not address the compression of data to save bandwidth during the communications. It also does not address the re-broadcast methods used in the invention to overcome imperfect communications.

For the reasons stated above, the Applicant traverses the Examiner's restriction requirement and further urges the Examiner to reconsider the classifications assigned to the inventions before conducting search for prior art. Applicant would like to suggest the Examiner consider class 709, subclass 247, which under the general classification "multi-computer data transferring", is directed to "*means or steps for changing a format of the data transferred between the computers [...] wherein the data are processed to reduce the transfer payload volume or to recover the data from a compressed payload.*" If the above remarks fail to sway the Examiner's opinion, Applicant elects to prosecute claims 1 - 7, 31 - 40, and 41 - 52 of Group I. Reconsideration of the application as amended is respectfully requested.

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Conclusion

If the Examiner believes it will help to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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